

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING MOTION TO</b>
	)	<b>AMEND CONDITIONS OF RELEASE</b>
vs.	)	
	)	
Shelly Anne Winner,	)	
	)	Case No. 1:14-cr-003
Defendant.	)	

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Defendant Shelly Anne Winner is charged with conspiracy to distribute and possess with intent to distribute methamphetamine and distribution of methamphetamine. Following a detention hearing, she was released subject to a number of conditions, including the condition that she reside at a Residential Facility. Defendant was placed at Centre, Inc., in Mandan, North Dakota.

On April 1, 2014, defendant filed a Motion to Amend Order Setting Conditions of Release requesting that she be permitted to reside with Jayson Berger in Hebron, North Dakota. The government filed a response resisting the motion. On April 9, 2014, the court held a telephonic status conference to discuss the motion. AUSA Brandi Sasse Russell appeared on the government's behalf. Attorney Damian Huettl appeared on defendant's behalf. During the conference call, defendant stated that if she was not permitted to reside with Jayson Berger, she would request that she be permitted to attend the residential treatment program at Teen Challenge in Mandan, North Dakota.

The court **GRANTS** defendant's motion (Docket No. 54) to the extent that it requests that defendant be permitted to attend Teen Challenge rather than reside at Centre. Defendant can be released from Centre upon demonstration to the Pretrial Services Office that space is available at

Teen Challenge, that she has made any required payments, and that she can be immediately admitted to the program. Upon release from Centre, defendant shall comply with the following conditions:

1. Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
2. Defendant shall reside at Teen Challenge and shall participate in its programs and abide by its rules and regulations.
3. Defendant shall sign any waivers or releases required to permit the Pretrial Services Officer to monitor her progress in treatment.
4. Upon completion of treatment, defendant shall immediately contact the Pretrial Services Officer for direction as to whether she should report to a Residential Center or to the United States Marshal.
5. Defendant must not violate federal, state, tribal, or local law while on release.
6. Defendant must appear in court as required and must surrender to serve any sentence imposed.
7. Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
8. Defendant shall submit her person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
9. Defendant shall not knowingly or intentionally have any direct or indirect contact with codefendants, except that counsel for the defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of the defendant's legal defense.
10. Defendant shall not possess a firearm, destructive device, or other dangerous weapon.

11. Except upon prior approval from the Pretrial Services Officer, the defendant's travel is restricted to within 10 miles of the cities of Bismarck and Mandan.

**IT IS SO ORDERED.**

Dated this 11th day of April, 2014.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court